

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MARILYN ENGLISH,

Plaintiff,

v.

CIVIL ACTION NO. 2:22-cv-00540

ELLEN HEINE, et al.,

Defendants.

ORDER

Pending before the Court is Petitioner Marilyn English’s (“Petitioner”) Motion to Remand. (ECF No. 4.) By standing order filed in this case on November 29, 2022, (ECF No. 2), this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition (“PF&R”). Magistrate Judge Tinsley entered his PF&R on June 20, 2023, recommending this Court grant Petitioner’s Motion to Remand. (ECF No. 15.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and Plaintiff’s right to appeal this Court’s order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory

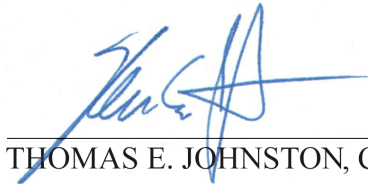
objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on July 7, 2023. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 15), and **GRANTS** Petitioner's Motion to Remand. Further, the Court **GRANTS** Petitioner's request for an award of costs and actual expenses, including attorney fees, pursuant to 28 U.S.C. § 1447(c) and **ORDERS** Petitioner to file a petition seeking said costs and expenses and providing supporting documentation for the amount requested.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 7, 2023

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE